



United States Department of State

Visa Services

Washington, D.C. 20520

Effective immediately Saturday, August 23, 2014 the China Employment Fifth (EB-5) preference category has become “Unavailable” for the remainder of FY-2014. This action is necessary because the maximum level of numbers which may be made available for use by China EB-5 applicants during FY-2014 have been reached.

The Employment Fifth preference (EB-5) category remains “CURRENT” for ALL OTHER COUNTRIES (except China).

The China EB-5 Category will once again become “Current” for October, the first month of fiscal year 2015.

Department of State processing: The establishment of a monthly cut-off or “Current” status for a numerically controlled preference category applies to those applicants who were reported documentarily qualified prior to the determination of cut-off dates and allocation of visa numbers for that month. Therefore, all China EB-5 applicants who have been scheduled for interview at an overseas post based on the original establishment of the August and September cut-off dates would have been allotted visa numbers for potential use by their case. Such applicants will not be impacted by the “Unavailability” of the China EB-5 category for the remainder of FY-2014. In this context, “Unavailable” means that no additional numbers are available for “comeback” cases originally scheduled for interview in an earlier month who are just now returning, or for those just requesting an interview at this time. The only exception would be if a post had “otherwise unused” numbers available, because applicants either failed to appear or failed to overcome a refusal during the month (i.e., August or September) of originally scheduled interview.

U.S. Citizenship and Immigration Services (USCIS) processing: USCIS Offices may continue to accept and process China Employment Fifth preference cases and submit them to the Visa Office in the normal manner, based on the cut-off dates announced in the August and September Visa Bulletins. However, instead of being acted upon immediately, those cases will be held in the Visa Office’s “Pending Demand” file and then authorized effective October 1, 2014. Each USCIS requesting office will receive an e-mail notification of such authorizations.